

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

No.: **ICC-01/12-01/15**

Date: **6 May 2019**

Date of submission: **9 September 2021**

**TRIAL CHAMBER VIII**

**Before:**

**Judge Raul C. Pangalangan, Presiding Judge  
Judge Antoine Kesia-Mbe Mindua  
Judge Bertram Schmitt**

**SITUATION IN THE REPUBLIC OF MALI**

**IN THE CASE OF *THE PROSECUTOR v. AHMAD AL FAQI AL MAHDI***

**PUBLIC**

**Public redacted version of "Eighth update report on the updated implementation plan", 6 May 2019, ICC-01/12-01/15-331-Conf**

**Source:**

**The Trust Fund for Victims**

To be notified in accordance with regulation 31 of the *Regulations of the Court* to:

**Office of the Prosecutor**

**Counsel for the Defence**

Mr Mohamed Aouini

**Legal Representatives of Victims**

**Legal Representatives of Applicants**

Mr Mayombo Kassongo

**Unrepresented Victims**

**Unrepresented Applicants for**

**Participation/Reparation**

**Office of Public Counsel for  
Victims**

**Office of Public Counsel for the Defence**

**States' Representatives**

## **REGISTRY**

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**Registrar**

Mr Peter Lewis

**Counsel Support Section**

Mr Esteban Peralta Losilla

**Victims and Witnesses Section**

Mr Nigel Verrill

**Detention Section**

**Victims Participation and Reparations  
Section**

Mr Philipp Ambach

**Other**

Mr Nouhoum Sangaré

## I. BACKGROUND

1. On 12 July 2018, Trial Chamber VIII issued a decision (“Decision of 12 July 2018”), wherein it, *inter alia*, directed the Trust Fund for Victims (“Trust Fund”) to submit monthly update reports, starting on 15 August 2018, in relation to the Trust Fund’s progress during the reparations implementation stage of the present case.<sup>1</sup>
2. On 15 August 2018, 14 September 2018, 15 October 2018, 14 November 2018, 14 December 2018, 14 January 2019 and 14 February 2019, the Trust Fund filed its first,<sup>2</sup> second,<sup>3</sup> third,<sup>4</sup> fourth,<sup>5</sup> fifth,<sup>6</sup> sixth,<sup>7</sup> and seventh<sup>8</sup> monthly update reports.
3. On 2 November 2018, the Trust Fund filed its updated draft implementation plan (“UIP”).<sup>9</sup>
4. On 4 March 2019, the Trial Chamber approved the Updated Implementation Plan (“Decision on the UIP”)<sup>10</sup> amending the reporting period to every two months.<sup>11</sup>
5. The Trust Fund hereby submits its eighth update report.

<sup>1</sup> Public redacted version of “Decision on Trust Fund for Victims’ Draft Implementation Plan for Reparations”, 12 July 2018, [ICC-01/12-01/15-273-Red](#), para. 22. Also at paragraph 22, the Trial Chamber specified that each monthly update report should contain “concrete information on the actions taken in respect of each of the reparations modalities with timelines, objectives and staffing”.

<sup>2</sup> First monthly update report on the implementation plan, 15 August 2018, ICC-01/12-01/15-277-Conf (“First Monthly Report”).

<sup>3</sup> Second Monthly Update report on the implementation plan, 14 September 2018, ICC-01/12-01/15-283-Conf, with two confidential annexes (“Second Monthly Report”).

<sup>4</sup> Third monthly update report on the updated implementation plan, 15 October 2018, ICC-01/12-01/15-288-Conf.

<sup>5</sup> Fourth monthly update report on the updated implementation plan, 14 November 2018, ICC-01/12-01/15-299-Conf, with four confidential annexes (“Fourth Monthly Report”).

<sup>6</sup> Fifth monthly update report on the updated implementation plan including information concerning further details relevant to the Board of Directors’ complement decision, with one confidential annex, 14 December 2018, ICC-01/12-01/15-305-Conf.

<sup>7</sup> Sixth monthly update report on the updated implementation plan, 14 January 2019, ICC-01/12-01/15-314-Conf.

<sup>8</sup> Seventh monthly update report on the updated implementation plan, 14 February 2019, ICC-01/12-01/15-321-Conf (“Seventh Monthly Report”).

<sup>9</sup> Updated Implementation Plan, ICC-01/12-01/15-291-Conf-Exp. A confidential redacted version was notified on 7 November 2018 (ICC-01/12-01/15-291-Conf-Red). A public redacted version was filed on 22 November 2018, *see* Public redacted version of “Updated Implementation Plan”, submitted on 2 November 2018, ICC-01/12-01/15-291-Conf-Exp”, 22 November 2018, ICC-01/12-01/15-291-Red2.

<sup>10</sup> Decision on the Updated Implementation Plan from the Trust Fund for Victims, 4 March 2019, ICC-01/12-01/15-324-Conf, para. 33. *See also*, Public redacted version of Decision on the Updated Implementation Plan from the Trust Fund for Victims, 4 March 2019, [ICC-01/12-01/15-324-Red](#).

<sup>11</sup> [Decision on the UIP](#), paras 104, 116.

## II. CLASSIFICATION OF THE PRESENT SUBMISSION

6. Pursuant to regulation 23 *bis* (1) of the Regulations of the Court, the Trust Fund has classified this report as confidential in line with the reasoning for its previous update reports.<sup>12</sup> No information is deemed necessary to redact from the parties.<sup>13</sup>

## III. UPDATE REPORT OF 6 MAY 2019

7. During the reporting period, the Trust Fund has concentrated its efforts on organising and expediting the screening process for individual reparations awards. Significant progress has also been made in respect of the implementation of the collective and symbolic awards.

### A. Preliminary matters: Security and political situation

8. The Trust Fund wishes to draw the Trial Chamber's attention to two events which are likely to slow down the activities in the field during the month of May.

9. First, Ramadan will take place from 6 May to 5 June, leading to a slowing down of all activities, with administration working at a reduced pace. In relation to the Trust Fund's activities, the Trust Fund cannot hold the planned training with the authorities<sup>14</sup> prior to Ramadan's completion as many of them observe it and have obligations in Timbuktu during such period.

10. Second, on 18 April 2019, the Prime Minister and the government of Mali resigned after weeks of increased political tension. Following the appointment of a new Prime Minister on 22 April 2019, a new government was constituted on 5 May 2019. In relation to the Trust Fund's activities, this event has led to the cancellation of the Executive Director's mission to Bamako, initially planned from 13 to 17 May 2019, to discuss the symbolic award ceremony and to meet with the donor community. While all working level relationships have been established and are functioning well, it was deemed necessary to organise a high-level mission to finalise certain arrangements that had already been discussed at the working level. This mission is postponed until after the establishment of the new cabinet.

<sup>12</sup> See First Monthly Report, para. 3; Second Monthly Report, para. 8.

<sup>13</sup> Decision of 12 July 2018, para. 22.

<sup>14</sup> See *infra* para. 32.

11. Lastly, the Trust Fund wishes to draw the Trial Chamber's attention to the still precarious security situation in Timbuktu, and in central Mali, which is between Timbuktu and Bamako. In relation to the Trust Fund's activities, this means that implementing reparations remains a challenge, with the need to build, maintain, and rely on networks of trustworthy and trained individuals capable of going to and working in Timbuktu under the Trust Fund's remote supervision in Bamako.

## **B. Individual reparations**

12. The Trust Fund notes that, to date, no application has been deemed complete for purposes of transmission to the Trust Fund. Accordingly, the Trust Fund has focused on the organisation and streamlining of the screening process by: (1) identifying, training and managing a network of intermediaries ██████ ██████; (2) compiling a list of prominent families, their representatives and masons; and (3) identifying authorities for attestations to the applications.

### 1) Network of intermediaries: identification, training, and management

13. In its Decision of 12 July 2018, the Trial Chamber ordered that an outreach campaign to identify new applicants be conducted over a period of six months.<sup>15</sup> In the Decision on the UIP, the Trial Chamber indicated that it was generally satisfied with the Trust Fund's proposal regarding the organisation of the outreach campaign,<sup>16</sup> which includes the identification of new applicants via trained intermediaries.<sup>17</sup> Accordingly, the Trust Fund has proceeded to identify and train intermediaries from Timbuktu in order to launch the outreach campaign.

14. In the course of February, potential intermediaries from Timbuktu were discreetly identified via the Trust Fund's network of contacts. The training attendees were selected based on their educational level, ██████ ██████, intimate knowledge of ██████ ██████, and reputation. Additionally, the LRV proposed four individuals based in Bamako for the training.<sup>18</sup> Following the identification of the attendees, the Trust Fund organised their travel and accommodation in Bamako, as well as the logistical arrangements for the training.

<sup>15</sup> Decision of 12 July 2018, para. 32.

<sup>16</sup> [Decision on the UIP](#), para. 33.

<sup>17</sup> [Updated Implementation Plan](#), paras 32-41.

<sup>18</sup> It is noted that one of the individuals suggested by the LRV ultimately did not attend the training.

15. At the Trust Fund's request, the Victims and Witnesses Section ("VWS") [REDACTED]. In this regard, the Trust Fund wishes to express its appreciation to VWS for providing this important assistance in a thorough and timely manner.

16. In advance of the training, eligibility guidelines and other training materials were prepared in The Hague and shared with the LRV and VPRS. At the Trust Fund's request, VPR/S staff in The Hague and Bamako collaborated with the Trust Fund in preparing certain portions of the training materials. The Trust Fund wishes to express its gratitude to VPR/S for this collaboration, which made the drafting process more efficient, and wishes in particular to express its appreciation to the VPR Bamako staff who, at the Trust Fund's invitation, led one of the training modules on intermediary and applicant safety issues.

17. The training took place from [REDACTED] in Bamako and was conducted by the Trust Fund's Legal Officer and the Bamako-based Associate Legal Officer, with additional support from the Trust Fund's Bamako-based Associate Field Programme Officer. The training covered the role of the Court and the Trust Fund, background on the *Al Mahdi* case, the concept of reparations under the Rome Statute, the reparations ordered by the Trial Chamber with a special emphasis on the individual awards, the role of intermediaries, and safety issues.

18. The primary focus of the training was to explain the eligibility criteria relevant for the individual reparations awards, including the required supporting documentation, and how to assist potential beneficiaries in completing the application form. The [REDACTED] training was conducted in French with each module ending with an exercise whereby the potential intermediaries decided, as a group, how to express the key concepts covered in Songhai.

19. The individuals from Timbuktu proved to have an excellent understanding of their expected tasks, as well as an intimate knowledge of the situation [REDACTED].

20. Following the training, the Trust Fund selected [REDACTED] intermediaries [REDACTED] on the basis of their performance and knowledge. The Trust Fund is currently relying on this network for the identification of new applicants in Timbuktu, and it also intends to rely on them for the completion of the existing applications.

2) Compilation of the list of prominent families, their representatives and masons

21. In respect of the individual reparations for moral harm, the Trust Fund deemed it necessary to establish a list of the recognised prominent families connected to the mausoleums, and to [REDACTED]

[REDACTED].<sup>19</sup> During the training, the intermediaries confirmed what other Trust Fund's resource persons have unequivocally stated so far, namely, that the prominent families are very well-known in Timbuktu, stating that "everybody knows them". In this regard, the intermediaries, as well as one of the Trust Fund's resource persons, [REDACTED], shared their concern that the screening process could be compromised by "fake" victims, that is individuals who are not connected to the mausoleum in the specific manner required for individual reparations.

22. In order to secure the integrity of the process so that the people genuinely most affected by the destruction of the mausoleums be identified to receive the individual reparations, the Trust Fund therefore engaged in an effort to establish a list of the prominent families, [REDACTED]. To this end, the Trust Fund requested three resource persons<sup>20</sup> to generate such a list separately and independently, on the basis of their own knowledge. For accuracy and reliability purposes, the Trust Fund tasked the selected intermediaries with the same exercise in a parallel manner.

23. Following their submission, the Trust Fund cross-checked the lists. Some initial discrepancies among the different lists were clarified after consultation. In all cases, said discrepancies were minor, for example, intermediaries would identify a person by his official name, whereas a resource person would use the nickname instead. In another instance, the individual identified by one resource person had passed away and his successor was identified by the intermediaries.

24. In the coming weeks, the Trust Fund intends to determine whether the individuals on the list have submitted an application. If not, the Trust Fund will ensure that, by the beginning of July, these individuals are presented with the option of submitting an application. If they are willing to apply, the Trust Fund will make sure

<sup>19</sup> See Fourth Monthly Report, para. 19.

<sup>20</sup> [REDACTED]

that their forms are completed with the required documents as soon as practicable and will request VPRS to prioritise them. If and when admitted, these individuals will be relied upon as the source of information to identify other family members potentially eligible for the individual moral harm award.<sup>21</sup> Their names will be communicated to the LRV. Those listed individuals who refuse to apply<sup>22</sup> will nevertheless be invited to serve as sources for the outreach and identification campaign, and will be put in contact with the LRV.

### 3) Identification of authorities for attestations to applications

25. In connection to the last point above, the Trust Fund notes that none of the applications currently with VPRS are complete. The Trust Fund understands this to be the result of difficulties faced by the LRV in producing the required documents and attestations, which is due in large part to the ongoing challenges in accessing Timbuktu due to security constraints.

26. The Trust Fund recalls that, on 13 August 2018, it first asked the LRV to provide background information on the traditional leaders that he had used to sign the attestations. On 26 October 2018, the Trust Fund extended this requirement to all signing authorities.<sup>23</sup> The Trust Fund has consistently reiterated this requirement, including after the LRV indicated on 20 December 2018 that he did not deem it useful to provide such information with regard to official authorities on the grounds that such an exercise was unnecessary and complex.<sup>24</sup> Since then, this information has not been supplied.

27. The Trust Fund reiterates that the background information is a requirement for anyone proposed to serve as an attester in the administrative screening process, particularly in light of the concerns of intermediaries and resource persons that the process is at risk of being usurped by individuals not closely related to the mausoleums. Additionally, specialists have advised the Trust Fund that persons linked with radical

<sup>21</sup> Trust Fund's Submission of draft application form, 26 October 2018, ICC-01/12-01/15-289-Conf ("26 October Submission"), para. 39.

<sup>22</sup> The Trust Fund recalls that participation in reparations proceedings, including whether or not to apply, is voluntary. In this respect, the Trust Fund has received reports that, for moral and reputational reasons, some individuals may not wish to request money.

<sup>23</sup> 26 October Submission, paras 46-50. *See also* Fourth Monthly report, para. 21.

<sup>24</sup> Email on 20 December 2019 at 16:26. The Trust Fund responded on the same day (Email on 20 December 2019 at 18:30).



organisations may have infiltrated or bear influence over the *qadi* system and in the provision of judicial related services carried out by state authorities.<sup>25</sup>

28. Given its primary responsibility with regard to the screening process, the Trust Fund proceeded to generate this information and make it available to the LRV.

29. [REDACTED]  
[REDACTED]  
[REDACTED]. The Trust Fund gathered information that not all identified authorities were in a position to attest to the situation linked to *all* mausoleums, as these were outside their scope of expertise. Inquiries with resource persons from Timbuktu also indicated that the persons of authority in Timbuktu enjoy community-wide legitimacy.

30. The Trust Fund communicated the list of [REDACTED] authorities to the LRV on 24 April 2019.<sup>26</sup> In that communication, the Trust Fund reiterated to the LRV that it would welcome his suggestion of any other proposed persons to be added to the list, provided that the required background information accompanies those names.

31. The Trust Fund is currently cross-checking the compiled list with information from another source. In addition, the Trust Fund has requested that VWS [REDACTED]  
[REDACTED].

32. Once confirmed, the Trust Fund intends to train the [REDACTED] authorities [REDACTED]. The training will focus on the eligibility criteria to which these persons are being asked to attest, in particular to ensure that there is no misunderstanding between the Court's legal criteria and what may be their traditional understanding of these same concepts. For example, it is particularly important that women are able to attain an attestation of direct descendancy from traditional and spiritual leaders, even if the local culture does not recognise women in these terms. The Trust Fund will report on this activity in the next update report.

### C. Outreach activities

33. As decided by the Trial Chamber, the outreach campaign for individual reparations was launched at the completion of the intermediary training, that is on 9 March 2019, and that it will last no longer than six months, that is until 9 September 2019. Accordingly, the Trust Fund proceeded to disseminate relevant information

<sup>25</sup> Seventh Monthly Report, para. 23.

<sup>26</sup> Email on 24 April 2019 at 19:28.

through selected individuals, as well as general information on collective and symbolic reparations. In the section below, the Trust Fund addresses: 1) the organisation of the notification sessions of the Decision of the UIP; 2) the notification session for Timbuktu-based victims; 3) the notification session for Bamako-based victims; and 4) general outreach activities.

1) Organisation of notification sessions of the Decision on the UIP

34. On 1 March 2019, the Trust Fund and the LRV met in Bamako and agreed to organise collective notification sessions with select groups of victims to explain the Trial Chamber's decision on the UIP soon after it was rendered. The Trust Fund and the LRV agreed that it was important to notify victims jointly, for which the Trust Fund informed the Counsel Support Section of the necessity of the LRV presence at these sessions. As per the LRV's suggestion, it was agreed that two notification sessions would be organised: one with victims currently based in Bamako, and another with victims based in Timbuktu.

35. The Trust Fund was in charge of preparing the presentation and delivering the information, while the LRV was in charge of selecting attendees who would be best placed to disseminate the key messages received.

36. On 9 April 2019, the power point presentation for the session with victims was shared with the LRV for his input.

2) Notification session of the Decision on the UIP with Timbuktu-based victims

37. On 22 March 2019, the Trust Fund requested a security assessment as to the feasibility of attendees traveling by road from Timbuktu to Bamako in order to attend the Trust Fund-hosted informational meeting.<sup>27</sup> In the night of 22 to 23 March 2019, civilians were massacred in Ogossagou and Welingara (near Mopti, on the road from Timbuktu). On 27 March 2019, the TFV consulted [REDACTED] which provided an overview on the security trends in northern and central Mali, such as increased reports of land mines (improvised explosive devices) and banditry on

<sup>27</sup> The Trust Fund considers that it has at least a moral obligation to ensure that individuals whose purpose of travel is to attend a Trust Fund-organised event can do so safely. The Trust Fund understands that the reality of the current security situation in Northern Mali is such that people often have to travel in unsafe conditions and may even do so on a fairly regular basis. However, the Trust Fund considers that, for events where the travel is due to an invitation from the Trust Fund, there is an overarching duty of care (Do no Harm) and serious reputational risks associated with any potential harm to individuals, who are, it is recalled, victims already, undertaking travel in unsafe conditions.

roadways, including against civilian transportation. The Field Security Officer confirmed that travel by road was absolutely excluded. This information was communicated repeatedly to the LRV and his team along with the information that the Trust Fund was in a position to secure [REDACTED] flights for the invited victims [REDACTED].

38. On 2 April 2019, the LRV informed the Trust Fund that victims based in Timbuktu were reluctant to travel by plane. The Trust Fund directed the LRV to insist on the necessity of traveling by plane via [REDACTED] flights. The Trust Fund reiterated its willingness and ability to organise this transportation by air with payment of the necessary *per diem* to enable accommodation in Bamako. On 5 April 2019, the LRV informed the Trust Fund that Timbuktu-based victims had refused to travel by plane (except for three or four) and requested advanced payment of the *per diem*.

39. On 9 April 2019, the LRV and the Trust Fund field staff met in Bamako. At this meeting, the LRV informed the Trust Fund that the Timbuktu-based victims had already left by road towards Bamako on 6 April and that they requested to be reimbursed financially. The Trust Fund repeated that the victims should not have travelled by road and that, in order to ensure that they are nonetheless notified of the Decision, a *per diem* would be paid for their attendance at the meeting, but that there would be no reimbursement for the unauthorised travel. The LRV indicated that he was no longer interested in enabling the notification meeting with the Timbuktu-based victims under these conditions.

40. During a meeting on 11 April 2019, the LRV indicated that the Timbuktu-based victims had left Bamako and that no other meeting would take place for them.

41. The reasons why the Timbuktu-based victims left Bamako without attending the already organised notification session are unclear to the Trust Fund. Against this background, the Trust Fund has offered the LRV to convene the session at a later date suitable for the victims. The Trust Fund is awaiting the LRV's response on this issue. In the meanwhile, the Trust Fund will undertake other activities to ensure Timbuktu-based victims are notified of the decision in the near future, and will keep the Trial Chamber apprised in its next update report.

### 3) Notification session with Bamako-based victims

42. On 11 April 2019, the notification session with the Bamako-based victims took place, followed by a debriefing meeting with the LRV. The Trust Fund considers that the notification session enabled it to explain the most recent developments, particularly in relation to the collective awards approved by the Trial Chamber, as well as to provide information regarding the current stage of the individual award application process. The Trust Fund was able to answer questions, provide clarifications, and give the victims a better understanding of the next steps in the reparations implementation.

43. Following the notification session, on 14 April 2019, the LRV emailed the Trust Fund raising *inter alia* the fact that it was regrettable that the Trust Fund's staff clearly stated during the notification meeting that housing was not part of the reparations, which in the view of the LRV, remains an open debate.<sup>28</sup>

44. The Trust Fund finds it necessary to address this matter in the present report.

45. By way of background, during the notification session of 11 April 2019, the attendees questioned the Trust Fund on the details of the construction of new housing for returnees as a collective reparation measure. The Trust Fund responded that this was not one of the reparations measures proposed and approved. The LRV reacted by sending the above-mentioned email to the Trust Fund.

46. The Trust Fund notes that the issue of building or re-building houses has been raised throughout the reparations proceedings. Already in December 2016, in his submissions on the principles and forms of reparations,<sup>29</sup> the LRV submitted that victims had lost personal property (household items, livestock, store wares, etc.) as a result of the attack on the Protected Buildings.<sup>30</sup> In the Reparations Order, the

<sup>28</sup> Email on 14 April 2019, at 00:35.

<sup>29</sup> Submissions of the Legal Representative of Victims on the principles and forms of the right to reparation, [ICC-01/12-01/15-190-Red-tENG](#) (redacted version notified on 3 January 2017; English translation of confidential version notified on 24 January 2017 and public redacted version notified on 25 July 2017)

<sup>30</sup> a/35046/16, ICC-01/12-01/15-200-Conf-Anx39-Red-tENG, p. 2 ('They took our herd of cows and pillaged my house.');

a/35047/16, ICC-01/12-01/15-200-Conf-Anx40-Red-tENG, p. 2 ('I lost everything in the destruction. My herds were stolen and my house was destroyed.');

a/35093/16, ICC-01/12-01/15-200-Conf-Anx86-Red-tENG, page 2 ('I had a shop where I sold things before the events. On the day of the destruction, everything was pillaged.');

a/35115/16, ICC-01/12-01/15-200-Conf-Anx107-Red-tENG, p. 1 ('I was present during the destruction and I was affected to the depths of my soul. Our entire house was destroyed [...]').

Trial Chamber found that Mr Al Mahdi “cannot be held liable for any other property damaged while the attack on the Protected Buildings was ongoing”.<sup>31</sup>

47. Further, in February 2019, in the context of the supporting documentation for the individual reparations compensation awards, the Trust Fund instructed the LRV to not request that applicants indicate the value of the housing lost in the context of the conflict in order not to “unduly raise victim’s expectations” and “confuse them as to the nature of the compensation to be awarded”.<sup>32</sup>

48. The Trust Fund takes seriously the Trial Chamber’s instruction to ensure that victims can relocate properly to Timbuktu,<sup>33</sup> for which it is currently exploring options consisting of both covering the totality of the transportation expenses, and prioritising the returnees in the Economic Resilience Facility to enable them to generate income immediately upon their return. The Trust Fund considers it important to ensure that all of the collective reparations, and the distinct harms that they are meant to address, can be realised in a balanced and equitable manner. In the Trust Fund’s view, the cost of housing construction for the sub-set category of returnees would make it financially impossible to implement the collective reparations aimed at the community of Timbuktu within the total amount of liability ordered by the Trial Chamber. The Trust Fund invites the LRV to take note of the above and communicate it diligently to his clients.

#### 4) General outreach activities

49. In the context of the Registrar’s visit to Bamako at the end of March, the Trust Fund conducted outreach and fundraising activities in respect of all types of reparations ordered by the Trial Chamber. The Trust Fund wishes to express its utmost gratitude to the Registrar’s office and the Chief of Field Office for inviting the Trust Fund to all relevant events of the mission.

50. On 26 March 2019, the Trust Fund was invited to a meeting with representatives of civil society and selected news outlets, during which the Trust Fund’s staff could respond to questions concerning reparations in the *Al Mahdi* case.

<sup>31</sup> Reparations Order, [ICC-01/12-01/15-236](#), paras 102-103.

<sup>32</sup> Email on 9 February 2019 at 18:41.

<sup>33</sup> [Decision on the UIP](#), para. 79.

51. On 27 March 2019, the Trust Fund attended a meeting with ambassadors during which questions on the *Al Mahdi* case were also responded to and discussions related to fundraising were held.

52. Lastly, in relation to all outreach activities and communication to victims, the Trust Fund wishes to convey to the Trial Chamber that, once potential beneficiaries had the rationale behind individual and collective reparations explained to them, they – including individuals who have indicated that they have applied for individual compensation– have expressed understanding, and in certain instances satisfaction in regard to the prominently collective nature of the reparations. This sentiment was also confirmed by one of the Trust Fund’s [REDACTED] resource persons.

53. The Trust Fund will keep the Trial Chamber’s apprised of further outreach and fundraising efforts in the next report.

#### D. Collective reparations

54. In respect of collective and symbolic reparations, the Trust Fund has made significant progress following the Decision on the UIP.

55. Upon approval of the Updated Implementation Plan, the Trust Fund immediately engaged in preparing the expressions of interest (“EOI”) in respect of the approved projects. On 4 April 2019, upon their finalisation and translation into French, the Trust Fund published an EOI for the Economic Resilience Facility<sup>34</sup> and another for collective and symbolic reparations programmes for moral harm.<sup>35</sup> The current closing date for organisations to apply is 7 May 2019. Once the deadline has passed, the Trust Fund will promptly begin reviewing the potential applicants against the eligibility criteria set out in the EOI, while also continuing work on the Request for Proposal, which will be communicated to the qualifying organisations for their bid proposals.

56. In March 2019, in respect to the assistance to displaced person to return to Timbuktu, the Trust Fund conducted a series of meeting [REDACTED]

[REDACTED] As a result of these meetings, which

<sup>34</sup> Available at: [https://www.icc-cpi.int/iccdocs/procurement/EOI%20%20126585\\_Ahmad%20Al%20Faqi%20Al%20Mahdi%20\\_Economic%20Reparations\\_EN.docx](https://www.icc-cpi.int/iccdocs/procurement/EOI%20%20126585_Ahmad%20Al%20Faqi%20Al%20Mahdi%20_Economic%20Reparations_EN.docx).

<sup>35</sup> Available at: [https://www.icc-cpi.int/iccdocs/procurement/EOI\\_126515%20\\_Ahmad%20Al%20Faqi%20Al%20Mahdi\\_Moral%20and%20Symbolic%20Reparations\\_EN.docx](https://www.icc-cpi.int/iccdocs/procurement/EOI_126515%20_Ahmad%20Al%20Faqi%20Al%20Mahdi_Moral%20and%20Symbolic%20Reparations_EN.docx).

confirmed the primary role of [REDACTED] in the process of returning displaced persons within Mali, the Trust Fund is considering the possibility of cooperating with [REDACTED] for the identification and organisation of transportation of returnees to Timbuktu.

57. With regard to the damage to the mausoleums, the Trust Fund held a meeting on 11 March 2019 with UNESCO regarding the latest developments with respect to the mechanism of engagement between the Trust Fund and the [REDACTED]. The Trust Fund and UNESCO continue to pursue an appropriate operational agreement that will include, in addition to the reparations activities in the UIP, the monitoring and support activities to be performed by UNESCO outside of the financial envelope of the reparations awards.

58. Lastly, in respect of the organisation of the symbolic award ceremony, the Trust Fund has prepared a programme for the ceremony and is currently discussing practical modalities of the organisation of the ceremony with representatives of the relevant authorities.

#### IV. CONCLUSION

59. The Trust Fund requests that the Trial Chamber take note of the present report. The Trust Fund stands ready to further clarify any information provided in this report, or any other issue affecting the implementation phase of the present case.



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Pieter W.I. de Baan  
Executive Director of the Trust Fund for Victims,  
on behalf of the Board of Directors of the Trust Fund for Victims

Dated this 6 May 2019  
At The Hague, The Netherlands